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10/025,673	12/26/2001	Atsushi Kobayashi	Q67835	6555

7590

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EXAMINER

VO, ANH T N

ART UNIT

PAPER NUMBER

2861

DATE MAILED: 06/05/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.  
10/025,673

Applicant(s)  
KOBAYASHI ET AL.

Examiner  
Anh T. N. Vo

Art Unit  
2861



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on Apr 30, 2003
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above, claim(s) 14-17 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-13 and 18-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All b) ☐ Some\* c) ☐ None of:
- ☒ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_ 6) ☐ Other: \_\_\_\_\_

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## **DETAILED ACTION**

### ***Oath/Declaration***

The declaration filed 04 April 2002 is acceptable.

### ***Priority***

Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

### ***Specification***

The specification has been checked to the extent necessary to determine the presence of all possible minor errors. However, the applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

## **CLAIM REJECTIONS**

### ***Claim Rejections - 35 U.S.C. § 112***

Claims 18 and 20 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. It is not understood what the "program" in claims 18 and 20 is and how it can be executed to write the specific ink type since the present specification does not show the detail

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structure of the program and explain how it can be perform the recited function. Clarification is required.

Claims 1-13 and 18-20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Appropriate correction or clarification is required.

In claim 1, the recitation "capable of" on line 2 and "can be" on line 13 is indefinite because it does not positively recite the claimed invention and the recitation "ink type information" on line 12 is confusing because it is unclear if this is additional "information" or a further recitation of the previously claimed "information" on line 11. It is unclear what the "ink type information" is, how it can be used in the apparatus, how it can be set and the decision can be made whether the ink type information used in the recording apparatus has already been set or not yet been set since no means for performing the deciding and setting function are recited. The same is true for claims 2-3, 6, 11-13 and 18.

In claim 4, the recitation "if" on line 8 is indefinite because it does not positively recite the claimed invention and the recitation "set ink type information and ink type information" and is confusing because it is unclear if this is additional "information" or a further recitation "information" in claim 1. The same is true for reciting "set ink type information" in claims 6-8, "ink types" on line 12 of claim 18. Also, it is unclear where the "newly attached ink cartridge" comes from and how it can be attached. The description is incomplete because the "matching deciding system" is not connected to anything. Thus, the claimed system may not perform the recited function. The same is true for claim 5.

In claim 5, it is not understood how the alarm can be "given" and where it comes from.

In claim 6, it is unclear what the "operation sequence" is, where it comes from and how it can be set. The same is true for claim 7.

In claim 8, it is not understood what the "image processing method" is since it is not clearly defined.

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In claim 9, it is not understood what the “ink type setting permission information” is and how it can be “obtained”.

In claim 18, it is unclear what is meant by “in an ink type by ink type basis” on line 10.

In claim 18, the recitation “can be” is indefinite because it does not positively recite the claimed invention and the recitation “the attached ink cartridges” on line 14 and “the specific ink type” on line 16 lacks antecedent basis. It is unclear where the cartridges come from, how the ink types can be written since no writing means is recited, and how the program can be “executed” to write the ink type. The same is true for claims 19-20.

In claim 19, the recitation “memory area” on line 7 is confusing because it is unclear if this is an additional “memory area” or a further recitation of the previously claimed “memory” on line 3. It is not unclear how the ink cartridge can be “constituted” an ink cartridge for set up, how the permission information can be written in a memory area, read or erased since no writing means, reading means and erasing means are recited. The description of the claimed invention is incomplete because the ink container and the memory are not connected together. Thus, the claimed cartridge may not perform the recited function.

The remaining claims are dependent from the above rejected claims and therefore also considered indefinite.

### ***Claim Rejections - 35 U.S.C. § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by

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another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371© of this title before the invention thereof by the applicant for patent.

Claims 1-13 and 18-20 are rejected under 35 U.S.C. 102 (e) as being anticipated by Saruta et al (US 6,533,383).

Saruta et al disclose in Figures 1-9 an ink jet printing apparatus comprising:

- a cartridge holder capable of removably attaching an ink cartridge (1-2) (Figure 4);
- a recording head (17) for receiving supply of ink from the ink cartridge (1-2) attached to the cartridge holder and discharging ink droplets based on print control data, thereby printing an image on a recording medium (16), wherein in case in which the ink cartridge is attached to the cartridge holder (Figure 4), it is decided whether or not ink type information stored in storage memory (27, 32) to be used in the recording apparatus has already been set, and in case in which it is decided that the ink type information has not yet been set, ink type information is set so that type of ink accommodated in the attached ink cartridge can be used (column 9, lines 1-42);
- an identifying system (42) indicative the type of ink accommodated in the ink cartridge;
- wherein an operation sequence for the recording apparatus corresponding to set ink type information is set, a driving condition for a recording head corresponding to set ink type information is set;
- a CPU (46) operatively connected to the recording head and communicating with the holder;
- a printer memory that stores therein operation sequence which operating by inherent program;
- and
- a read and write means (38, 39) for reading and writing information to the storage memory (27, 32).

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Claims 1-13 and 18-20 are further rejected under 35 U.S.C. 102 (e) as being anticipated by Satura (US 6,447,090).

Saruta disclose in Figures 1-2, 4 and 10 a printing device comprising:

- a cartridge holder (101) capable of removably attaching an ink cartridge (107F);
- a recording head for receiving supply of ink from the ink cartridge (107F) attached to the cartridge holder and discharging ink droplets based on print control data, thereby printing an image on a recording medium (105), wherein in case in which the ink cartridge is attached to the cartridge holder (101), it is decided whether or not ink type information stored in storage memory (80K, 80F, Figure 4) to be used in the recording apparatus has already been set, and in case in which it is decided that the ink type information has not yet been set, ink type information is set so that type of ink accommodated in the attached ink cartridge can be used;
- an identifying system (40) indicative the type of ink accommodated in the ink cartridge;
- wherein an operation sequence for the recording apparatus corresponding to set ink type information is set, a driving condition for a recording head corresponding to set ink type information is set;
- a CPU (46) operatively connected to the recording head and communicating with the holder;
- a printer memory that stores therein operation sequence which operating by inherent program;
- and
- a read and write means for reading and writing information to the storage memory (80K, 80F).

## **CONCLUSION**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Anh Vo. whose telephone number is (703) 305-8194. The

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examiner can normally be reached on Monday to Friday from 8:00 A.M. to 4:00 P.M.

The fax number of this Group 2861 is (703) 305-3431 or 305-3432.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-1782.



**AN H.T.N. VO**  
**PRIMARY EXAMINER**

May 31, 2003